

Hon. Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

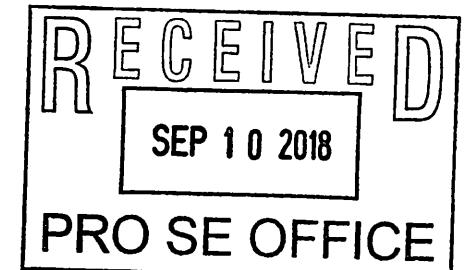
United States Magistrate Judge Bloom  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

September 10. 2018

Re: Capogrosso v. Gelbstein et al, No. 18-cv-2710 (E.D.N.Y.)

\*FILED\*  
2018 SEP 10 PM 7:16

CLERK  
U.S. DISTRICT COURT  
E.D.N.Y.  
2018 SEP 10 PM 7:16



Judge Brodie and Magistrate Bloom:

**Request for an Extension of Time**

I, Mario H. Capogrosso, am the pro se Plaintiff in the above-referenced matter. The deadline for my opposition to Defendants' Motion to Dismiss (ECF No. 32) is currently September 17, 2018.

Due to the length and volume of Defendant's motion and my existing workload in other matters, I respectfully request that the Court **extend my time to oppose Defendant's motion until October 17, 2018.**

By telephone conversation on September 10, 2018, Assistant State's Attorney M. Siegmund has not consented to my request for an extension of time.

Attorney Siegmund argues that

- 1) He is going on maternity leave in early October 2018 and will not be coming back from such leave until January of 2018;
- 2) He indicates he wishes all reply papers prior to be filed prior to his maternity leave; and
- 3) He indicates that I did not consent to his request for an extension of time to reply to my Complaint.

In rebut, Attorney Siegmund's office has an ample staff of attorneys that can reply to any opposition filed. It is inconceivable that Attorney Siegmund will be out of the office for more than three months and his office has not assigned other attorneys in his office to cover his caseload. The argument has little merit.

Further, Attorney Siegmund does not dictate the scheduling Order of this Court. Judges Brodie and Bloom do. Attorney Siegmund's desire to have his reply papers due by a certain date is a decision to be made by the Court, not by Attorney Siegmund.

Last, Attorney Siegmund, over my objection, was still granted by this Court until July 16, 2018 to reply to my Complaint. The Complaint was served May 11, 2018 and the Defendants had 20 days until May 30, 2018 to reply. This Court gave Attorney Siegmund an additional 47 days to reply. In allowing such an extension of time, J. Bloom, did indicate in her Order of June 12, 2018, that on a first-time request, that attorneys provide extensions as a "professional courtesy."

I now seek the same professional courtesy- yet I ask only an additional thirty days to file my Opposition. As such, I respectfully request that the Court **extend my time to oppose Defendant's motion until October 17, 2018.**

This is my first request for an extension of time on this motion.

I respectfully request a decision as soon as possible in that the deadline for my Opposition is due in seven days.

Respectfully  
Truthfully Submitted,



Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
914-806-3692  
NY Reg. No. 4244331

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

MARIO H. CAPOGROSSO, ESQ.

Plaintiff

-against-

CV18-2710

ALAN GELBSTEIN, et. al

**AFFIRMATION OF SERVICE**

Defendants

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I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Request for an Extension of Time

upon:

Mark Siegmund  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005  
(upon affirmation of his representation of defendants  
Gelbstein, Traschen, Vahdat, Palmieri, Flanagan, Calvo,  
and Prickett-Morgan)

Sadiq Tahir  
2994 Coney Island Avenue  
Brooklyn, NY 11235

Pec Group of NY  
935 S. Lake Blvd. #7  
Mahopac, NY 10541

David Smart  
2875 West 8<sup>th</sup> Street  
Brooklyn, NY 11224

via U.S. Postal Service First Class Mail, this 10<sup>th</sup> day of September, 2018.

Westchester, NY  
September 10, 2018



Mario H. Capogrosso  
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